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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

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Extrajudicial, summary or arbitrary executions

The General Assembly,

Recalling the Universal Declaration of Human Rights,[1] which guarantees the right to life, liberty and security of person, and the relevant provisions of the International Covenant on Civil and Political Rights,[2]

Having regard to the legal framework of the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions, including the provisions contained in Commission on Human Rights resolution 1992/72 of 5 March 1992[3] and General Assembly resolution 47/136 of 18 December 1992,

Mindful of General Assembly resolutions on the subject of extrajudicial, summary or arbitrary executions, of which the latest is resolution 55/111 of

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.
[3] See *Official Records of the Economic and Social Council, 1992, Supplement No. 2* (E/1992/22), chap. II, sect. A.

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4 December 2000, and resolutions on the subject by the Commission on Human Rights, and taking note of its latest resolution 2002/36 of 22 April 2002,[4]

Recalling Economic and Social Council resolution 1984/50 of 25 May 1984 and the safeguards guaranteeing protection of the rights of those facing the death penalty, annexed thereto, and Council resolution 1989/64 of 24 May 1989 on their implementation, as well as the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the General Assembly in its resolution 40/34 of 29 November 1985,

Recalling also Economic and Social Council resolution 1989/65 of 24 May 1989, in which the Council recommended the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions,

Dismayed that in a number of countries impunity, the negation of justice, continues to prevail and often remains the main cause of the continuing occurrence of extrajudicial, summary or arbitrary executions in those countries,

Acknowledging the entry into force on 1 July 2002 of the Rome Statute establishing the International Criminal Court,[5] thereby contributing to ensuring prosecution and the prevention of impunity concerning extrajudicial, summary or arbitrary executions,

Convinced of the need for effective action to combat and to eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represent a flagrant violation of the right to life,

1. *Strongly condemns once again* all the extrajudicial, summary or arbitrary executions that continue to take place throughout the world;

2. *Demands* that all Governments ensure that the practice of extrajudicial, summary or arbitrary executions be brought to an end, and that they take effective action to combat and eliminate the phenomenon in all its forms;

3. *Acknowledges* the historic significance of the establishment of the International Criminal Court on 1 July 2002, and the fact that a significant number of States have already signed, ratified or acceded to the Rome Statute,[5] and calls upon all other States to consider becoming parties to the Statute;

4. *Notes with deep concern* that impunity continues to be a major cause of the perpetuation of violations of human rights, including extrajudicial, summary or arbitrary executions;

5. *Reiterates* the obligation of all Governments to conduct exhaustive and impartial investigations into all suspected cases of extrajudicial, summary or arbitrary executions; to identify and bring to justice those responsible, while ensuring the right of every person to a fair and public hearing by a competent, independent and impartial tribunal established by law; to grant adequate compensation within a reasonable time to the victims or their families; and to adopt all necessary measures, including legal and judicial measures, in order to bring an end to impunity and to prevent the further occurrence of such executions;

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[4] Ibid., *2002, Supplement No. 3* (E/2002/23), chap. II, sect. A.

[5] A/CONF.183/9.

6. *Reaffirms* the obligation of Governments to ensure the protection of the right to life of all persons under their jurisdiction, and calls upon Governments concerned to investigate promptly and thoroughly all cases of killings committed in the name of passion or in the name of honour, all killings committed for any discriminatory reason, including sexual orientation, racially motivated violence leading to the death of the victim, killings of persons for reasons related to their peaceful activities as human rights defenders or as journalists, as well as other cases where a person's right to life has been violated, and to bring those responsible to justice before a competent, independent and impartial judiciary and ensure that such killings, including killings committed by security forces, paramilitary groups or private forces, are neither condoned nor sanctioned by government officials or personnel;

7. *Urges* Governments to undertake all necessary and possible measures to prevent loss of life, in particular that of children, during public demonstrations, internal and communal violence, civil unrest and public emergency or armed conflicts, and to ensure that the police and security forces receive thorough training in human rights matters, in particular with regard to restrictions on the use of force and firearms in the discharge of their functions, and that they act with restraint and respect international human rights standards when carrying out their duties;

8. *Stresses* the importance of States taking effective measures to end impunity with regard to extrajudicial, summary or arbitrary executions, inter alia, through the adoption of preventive measures, and calls upon Governments to ensure that such measures are included in post-conflict peace-building measures;

9. *Encourages* Governments, intergovernmental and non-governmental organizations to organize training programmes and to support projects with a view to training or educating military forces, law enforcement officers and government officials in human rights and humanitarian law issues connected with their work, and appeals to the international community and requests the Office of the United Nations High Commissioner for Human Rights to support endeavours to that end;

10. *Reaffirms* Economic and Social Council decision 2001/266 of 24 July 2001, in which the Council endorsed the decision of the Commission on Human Rights, in its resolution 2001/45, to extend the mandate of the Special Rapporteur for three years;

11. *Takes note* of the interim report of the Special Rapporteur of the Commission on Human Rights to the General Assembly[6] and recommendations therein;

12. *Recalls* that the Commission on Human Rights, in its resolution 2001/45, requested the Special Rapporteur, in carrying out her mandate:

(a) To continue to examine situations of extrajudicial, summary or arbitrary executions and to submit her findings on an annual basis, together with conclusions and recommendations, to the Commission, as well as such reports as the Special Rapporteur deems necessary in order to keep the Commission informed about serious situations of extrajudicial, summary or arbitrary executions that warrant its immediate attention;

[6] A/57/138.

(b) To respond effectively to information that comes before her, in particular when an extrajudicial, summary or arbitrary execution is imminent or seriously threatened or when such an execution has occurred;

(c) To enhance further her dialogue with Governments, as well as to follow up recommendations made in reports after visits to particular countries;

(d) To continue to pay special attention to extrajudicial, summary or arbitrary executions of children and to allegations concerning violations of the right to life in the context of violence against participants in demonstrations and other peaceful public manifestations or against persons belonging to minorities;

(e) To continue to pay special attention to extrajudicial, summary or arbitrary executions where the victims are individuals carrying out peaceful activities in defence of human rights and fundamental freedoms;

(f) To continue monitoring the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, as well as the Second Optional Protocol thereto;

(g) To apply a gender perspective in her work;

13. *Recognizes* the importance of raising awareness for the elimination of extrajudicial, summary or arbitrary executions, for which impunity should be neither condoned nor tolerated, and of stressing that extrajudicial, summary or arbitrary executions are a flagrant violation of human rights, in particular the right to life, of which no one should be arbitrarily deprived, and in this regard encourages the Special Rapporteur to continue, within her mandate, to collect information from all concerned, to respond effectively to reliable information that comes before her, to follow up on communications and country visits and to seek the views and comments of Governments and to reflect them, as appropriate, in her reports;

14. *Urges* the Special Rapporteur to continue, within her mandate, to bring to the attention of the United Nations High Commissioner for Human Rights situations of extrajudicial, summary or arbitrary executions which are of particularly serious concern or where early action might prevent further deterioration;

15. *Welcomes* the cooperation established between the Special Rapporteur and other United Nations mechanisms and procedures relating to human rights as well as with medical and forensic experts and encourages the Special Rapporteur to continue efforts in this regard;

16. *Strongly urges* all Governments, in particular those who have not yet done so, to respond without undue delay to the communications and requests for information transmitted to them by the Special Rapporteur, and urges them and all others concerned to cooperate with and assist the Special Rapporteur so that she may carry out her mandate effectively, including, where appropriate, by issuing invitations to the Special Rapporteur when she so requests;

17. *Expresses its appreciation* to those Governments that have invited the Special Rapporteur to visit their countries, asks them to examine carefully the recommendations made by the Special Rapporteur and invites them to report to the

Special Rapporteur on the actions taken on those recommendations, and requests other Governments to cooperate in a similar way;

18. *Calls upon* the Governments of all States in which the death penalty has not been abolished to comply with their obligations under relevant provisions of international human rights instruments, keeping in mind the safeguards and guarantees set out in Economic and Social Council resolutions 1984/50 and 1989/64;

19. *Again requests* the Secretary-General to continue to use his best endeavours in cases where the minimum standards of legal safeguards provided for in articles 6, 9, 14 and 15 of the International Covenant on Civil and Political Rights appear not to have been respected;

20. *Requests* the Secretary-General to provide the Special Rapporteur with adequate human, financial and material resources in order to enable her to carry out her mandate effectively, including through country visits;

21. *Also requests* the Secretary-General to continue, in close collaboration with the United Nations High Commissioner for Human Rights, in conformity with the High Commissioner's mandate established by the General Assembly in its resolution 48/141 of 20 December 1993, to ensure that personnel specialized in human rights and humanitarian law issues form part of United Nations missions, where appropriate, in order to deal with serious violations of human rights, such as extrajudicial, summary or arbitrary executions;

22. *Requests* the Special Rapporteur to submit an interim report to the General Assembly at its fifty-ninth session on the situation worldwide in regard to extrajudicial, summary or arbitrary executions and her recommendations for more effective action to combat that phenomenon.